

## State of Rhode Island and Providence Plantations

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# Journal of the Senate

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**JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and four.**

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Volume 131, No. 24

Tuesday, May 11, 2004

Forty-first Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:11 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 2 Senators absent as follows:

**PRESENT** – 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Damiani and Sosnowski.

### INVOCATION

The Honorable President, by unanimous consent, presents Senator Polisena, to deliver the invocation.

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Polisena, to lead the Senate in the pledge of allegiance to the flag.

### APPROVAL OF RECORD

The Senate Journal of Thursday, May 6, 2004 proceedings is read in part.

Upon suggestion of Senator Polisena, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

**GUESTS**

Upon suggestion of Senators Tassoni and Issa and by unanimous consent, the Honorable President welcomes to the Chamber Northern Rhode Island Vikings Mite C All Stars 2003-2004 "Undefeated State Champions", Brendan Ryan, Craig Page, Mike Corrente, Antonio Manzotti, Bobby DeCarlo, John Clavin, Ethan Lanciaux, Daniel Takita, Troy Lange, Cameron Cooper, Andrew Peloquin, Giuliano DiRissio, Kyle Calderara, Joey Vingi, George Panichas, Adam Lavoie, Tyler Delicio, Steven Sleboda, along with Head Coach John Manzotti, Assistant Coach Ray Page, Assistant Mike Corrente, Goalie Coach Henri Lanciaux and Manager Mike Cooper.

Upon suggestion of Senator Algieri and by unanimous consent, the Honorable President welcomes to the Chamber from the Greater Westerly-Pawcatuck Chamber of Commerce Joseph Iacoi, President and Muffy Diorio.

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President welcomes to the Chamber Nico Manzotti from Sara Dyer Barnes Elementary School, Cindy Manzotti, John Manzotti and Joe Vingi of the Providence Fire Department.

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President welcomes to the Chamber Richard Kazarian.

**REPORTS OF COMMITTEES****COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

**House Bill No. 8342**

**BY** Carter, Scott, Anderson R

**ENTITLED**, AN ACT RELATING TO THE TOWN OF EXETER -- TOWN MEETINGS.

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Breene moves passage, seconded by Senator Blais.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**FROM THE HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage, of the following measures:

**House Bill No. 7856** as amended

**BY** Coderre E, Kennedy, Lima

**ENTITLED**, AN ACT RELATING TO INCOME TAX -- MOTOR VEHICLE REGISTRATION

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 7997**

**BY** McCauley

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - REAL ESTATE BROKERS AND SALESPERSONS

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 8039** SUB A

**BY** Fox

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - PROFESSIONAL LAND SURVEYORS

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 8041**

**BY** Fox

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- RHODE ISLAND STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 8495**

**BY** Brien T, Laroche, Picard

**ENTITLED**, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE CLOSURE OF THE DAVISON AVENUE LANDFILL AND THE DEVELOPMENT OF PUBLIC RECREATIONAL FACILITIES THEREON BY THE ISSUANCE OF NOT MORE THAN \$5,000,000 BONDS AND/OR NOTES THEREFOR

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Resolution No. 7732**

**BY** Dennigan, Malik, Anguilla, Almeida

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CURRENT STRENGTHS AND WEAKNESSES OF LIBRARY SERVICES IN THE STATE OF RHODE ISLAND

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Bill No. 7804**

**BY** Kilmartin

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Resolution No. 8109**

**BY** Handy, Enos, Dennigan, Aubin, Giannini

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY A STATEWIDE COORDINATION OF ENVIRONMENTAL HEALTH AND SAFETY ISSUES, INFORMATION AND RESOURCES FOR RHODE ISLAND SCHOOLS

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Resolution No. 8494**

**BY** Gallison, Anguilla, Shavers, Crowley

**ENTITLED**, JOINT RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO PLAN THE COMMEMORATION OF THE 225TH ANNIVERSARY OF THE MARCH OF GENERAL ROCHAMBEAU FROM NEWPORT, RHODE ISLAND TO YORKTOWN, VIRGINIA

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Bill No. 7154**

**BY** Giannini, Cerra, McNamara, Enos, Ajello

**ENTITLED**, AN ACT RELATING TO SCHOOL COMMITTEES AND SUPERINTENDENTS -- MIDDLE SCHOOLS

Received and referred to the Senate Committee on Education

Also:

**House Bill No. 7161** as amended

**BY** Ginaitt, Lewiss, McNamara, Dennigan

**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT COUNCIL

Referred to Senate Environment and Agriculture

Also:

**House Bill No. 7383**

**BY** Shanley, Enos, Scott

**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

Referred to Senate Environment and Agriculture

Also:

**House Bill No. 7935**

**BY** Corvese

**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 7707**

**BY** Landroche, Laroche, Williamson, Anderson R, McNamara

**ENTITLED**, AN ACT RELATING TO WASTEWATER TREATMENT PLANTS

Referred to Senate Financial, Technology and Regulatory Issues

Also:

**House Bill No. 8042 SUB A**

**BY** Kennedy, Winfield

**ENTITLED**, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

Referred to Senate Financial, Technology and Regulatory Issues

Also:

**House Bill No. 7200**

**BY** Palumbo, Ginaitt, Reilly, McNamara, Petrarca

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

Referred to Senate Health and Human Services

Also:

**House Bill No. 7488**

**BY** Jacquard, Moran, Tejada, Montanaro

**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE -- MANDATED HEARING AID COVERAGE

Referred to Senate Health and Human Services

Also:

**House Bill No. 7725** as amended

**BY** Lima

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - - MISCELLANEOUS RULES

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 7810**

**BY** Kilmartin, Ajello, Moura

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 8104** (Dept. of Children, Youth and Families)

**BY** Ginaitt, McNamara, Story, Savage, Long

**ENTITLED**, AN ACT RELATING TO CHILDREN, YOUTH AND FAMILIES DEPARTMENT -- CONFIDENTIALITY OF RECORDS

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 7792** SUB A as amended  
**BY** Winfield, Menard, Slater, Reilly  
**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Received and referred to the Senate Committee on Labor

#### NEW BUSINESS

**Senate Bill No. 3099**  
**BY** Senators Perry, Gallo, Felag, Roberts, Blais  
**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND HEALTH CARE REFORM ACT OF 2004 -- RESTRUCTURING STATE GOVERNMENT REGULATION OF HEALTH INSURANCE.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Resolution No. 3100**  
**BY** Senators Perry, Sheehan, Cote, Felag, Blais  
**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF BUSINESS REGULATION TO CONDUCT A COMPREHENSIVE STUDY OF HEALTH INSURANCE MARKET REFORM - THE RHODE ISLAND HEALTH CARE REFORM ACT OF 2004: EVALUATION OF INSURANCE REFORMS.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 3101**  
**BY** Senators Alves, Goodwin, Roberts, Perry, Gibbs  
**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE DEPARTMENT OF BUSINESS REGULATION -- HEALTH INSURANCE.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 3102**  
**BY** Senators Roberts, Perry, Connors, Tassoni, Gibbs  
**ENTITLED**, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS -- THE RI HEALTHCARE REFORM ACT OF 2004 -- NONPROFIT INSURERS' MISSION AND GOVERNANCE.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 3103**

**BY** Senators Tassoni, Roberts, Sheehan, Gibbs, Perry

**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE -- THE RHODE ISLAND HEALTH CARE REFORM ACT OF 2004 -- HEALTH INSURANCE REGULATION.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 3104**

**BY** Senator Gibbs

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 3105**

**BY** Senator Breene

**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS - TAXATION - TOWN OF EXETER.

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**Senate Bill No. 3106**

**BY** Senators Polisena, Damiani

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS.

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**Senate Bill No. 3107**

**BY** Senators Perry, Goodwin, Caprio F, DaPonte, Ruggerio

**ENTITLED**, AN ACT RELATING TO THE PROVIDENCE DEVELOPMENT CORPORATION.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 3108****BY** Senator Paiva-Weed**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU.

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**Senate Bill No. 3109****BY** Senator DaPonte**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senator Connors.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Bill No. 3110****BY** Senator Cote**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF G. & S. REALTY AND RENTING CO., INC..

Read and ordered to be placed on the Consent Calendar

**FROM THE DESK**

Upon Suggestion of Senator Gallo, and without objection, the following item is removed from the desk and acted on as follows:

**Senate Resolution No. 3013**

**BY** Senator Gallo

**ENTITLED**, SENATE RESOLUTION PROCLAIMING MAY AS "BETTER SPEECH AND HEARING MONTH" IN THE STATE OF RHODE ISLAND.

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

**CALENDAR****IN ORDER FOR TUESDAY, MAY 11, 2004:****1. 2004-S 2308 as amended**

**BY** Cote

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
LAND SURVEYORS

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

Upon suggestion of Senator Cote, and without objection ordered to be placed on the Calendar for Tuesday, May 18, 2004.

**2. 2004-S 2362**

**BY** Sheehan

**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO  
TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Sheehan moves passage, seconded by Senators Fogarty and others.

Senator Sheehan seconded by Senators Tassoni , offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- S 2362

AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Mr. President:

I hereby move to amend 2004 -- S 2362, entitled "AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION", as follows:

(1) On Page 1, line 5, by deleting the words "owned and occupied by" and inserting in place thereof the words "owned by and occupied as the principal residence of".

Respectfully submitted,  
SENATOR SHEEHAN

The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

Senator Sheehan, moves passage of the act as amended, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**3. 2004-S 2648 SUB A****BY Revens****ENTITLED, AN ACT RELATING TO TAXES -- PERSONAL INCOME TAX**

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Revens moves passage, seconded by Senators Roberts, Issa, Gallo, Paiva-Weed and others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Tassoni, Walaska.

NAYS- 0:

**Statement of Conflict of Interest  
Pursuant to R.I. Gen. Laws § 36-14-6**

I, Senator Joseph M. Polisen, holding the position of

Rhode Island State Senate, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving Public Higher Education Endowment Incentive Program.

is presently before The Rhode Island State Senate.  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

I work as a Professor at the Community College of Rhode Island, this bill S-2653 would include URI- RIC- CCRI. I will not speak or vote on S-2653

3. [Please select one of the following]:

- (X) A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

- ( ) B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 11th day of May, 2004

**4. 2004-S 2653 SUB A**

**BY Revens**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- THE PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Revens moves passage, seconded by Senators Algieri, DaPonte, Connors and many others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Polisena

**5. 2004-S 2723 SUB A**

**BY McBurney**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Senator McBurney moves passage, seconded by Senators Perry, Polisena, DaPonte, Badeau and Breene.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**6. 2004-S 2989 SUB A**

**BY DaPonte**

**ENTITLED, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX**

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Walaska moves passage, seconded by Senator DaPonte.

Senator Walaska seconded by Senator DaPonte, offers the following written motion to amend.

**F L O O R   A M E N D M E N T**

TO

2004 -- S 2989 SUBSTITUTE A

AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX

Mr. President:

I hereby move to amend 2004 -- S 2989 SUBSTITUTE A, entitled "AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX", as follows:

By deleting all of the language following the enactment clause and inserting in place thereof the following:

“SECTION 1. Chapter 44-11 of the General Laws entitled "Business Corporation Tax" is hereby amended by adding thereto the following sections:

**44-11-43. Passive investment treatment.** – (a) Notwithstanding any amendments or revisions to, or the repeal of, section 44-11-1(1)(vii) of the general laws, or any other law, or new legislative action that shall serve to repeal or limit the benefits conferred therein, the provisions of that statute as in effect on the date of passage of this section shall continue to be applicable until December 31, 2014 for a "qualifying business" that meets the requirements set forth herein.

(b) A "qualifying business" for the purposes of this chapter shall mean a business which meets the terms and conditions imposed by the board of directors of the Rhode Island economic development corporation and is

designated as such upon a finding of fact that:

(1) The business has committed to relocate from outside the state to a Rhode Island location no less than an annual tax year average of two hundred and fifty (250) full-time employees with a combined payroll of no less than ten million dollars (\$10,000,000) annually within twenty-four (24) months following such designation; For the purposes of this section "full-time employee" means any employee of the qualified business who works a minimum of thirty (30) hours per week within the state;

(2) The business would not relocate such jobs to the state but for such a designation of a qualifying business; and

(3) The annual salary of each employee counted in section 44-11-43(1) (b) shall be no less than twenty-five thousand dollars (\$25,000) per year, plus benefits typical to the industry.

(c) The division of taxation shall require annual reports from a qualified business, which shall include, but not be limited to, the number of individuals employed by the company within the state, the job descriptions, and the annual salaries. The division of taxation shall verify these annual reports and certify that they are correct. The certification shall be sent to the board of directors of the economic development corporation, president of the senate, speaker of the house, the chairperson of the senate finance committee, the chairperson of the house finance committee, the senate fiscal advisor, and the house fiscal advisor. If the division of taxation finds that the qualified business no longer meets the criteria set forth in section 44-11-43(b)(1) or (3), and if, sixty (60) days after receipt of written notice from the division of taxation describing such finding in detail, the business has reasonably cured the noticed violations, then such business will continue to receive the benefits offered under the provisions of subsection 44-11-43(f) as if such violation had not occurred, otherwise that business shall no longer be considered a qualified business and shall be longer be entitled to any further benefits under any agreement made under the provisions of subsection 44-11-43(f) and such provisions shall become null and void.

(d) The economic development corporation shall certify no more than one company before July 31, 2004 pursuant to this section.

(e) The economic development corporation shall provide no further certifications after July 31, 2004 without specific authorization by a joint resolution of the general assembly.

(f) The economic development corporation shall be authorized to enter into such agreements as it may deem necessary or prudent in order to memorialize and effect the intent of the provisions of this section. The terms of such agreements shall not extend beyond December 31, 2014. SECTION 2. This act shall take effect upon passage.”

Respectfully submitted,  
SENATOR ALVES

The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act as amended, seconded by Senator DaPonte.

Senator DaPonte discusses the act.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**7. 2004-S 2299 SUB A**

**BY Blais**

**ENTITLED, AN ACT RELATING TO ADMINISTRATIVE PROCEDURES**

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

Upon suggestion of Senator Blais and without objection ordered to be placed on the Calendar for Thursday, May 13, 2004.

**8. 2004-S 2078 as amended****BY Revens****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING AND UPHOLSTERED FURNITURE

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

Upon suggestion of Senator Revens and without objection ordered to be placed on the Calendar for Thursday, May 13, 2004.

**9. 2004-S 2363****BY Revens****ENTITLED,** AN ACT RELATING TO AERONAUTICAL REGULATION -- REGISTRATION OF AIRCRAFT

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Revens moves passage, seconded by Senators McCaffrey, Lenihan, Walaska and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**10. 2004-S 2725 as amended****BY Ciccone****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - ABANDONED CARS

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

Upon suggestion of Senator Ciccone and without objection ordered to be placed on the Calendar for Tuesday, May 18, 2004.

**11. 2004-S 2791****BY Goodwin****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TOWING STORAGE ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Goodwin and without objection ordered to be placed on the Calendar for Tuesday, May 18, 2004.

**12. 2004-S 3002 SUB A**

**BY Alves**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Roberts moves passage, seconded by Senator Sheehan.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**13. 2004-S 2497 SUB A**

**BY Roberts**

**ENTITLED,** AN ACT RELATING TO EDUCATION

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

Upon suggestion of Senator Roberts and without objection ordered to be placed on the Calendar for Tuesday, May 18, 2004.

**14. 2004-S 2065 SUB A as amended**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Tassoni moves passage, seconded by Senators Alves, Polisena and Sheehan.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon roll call vote with 27 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 27: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 3: Senators Gibbs, Parella, Pichardo.

**15. 2004-S 2697**

**BY Roberts**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
MEDICAID EXPENDITURES -- ANNUAL REPORT

Committee on Finance recommends passage.

Senator Roberts moves passage, seconded by Senators Pichardo and Sheehan.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni.

NAYS- 0:

**16. 2004-S 2110 SUB A as amended**

**BY Walaska**

**ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -  
SMALL CLAIMS AND CONSUMER CLAIMS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Walaska moves passage, seconded by Senators Bates.

Senator Walaska moves passage, seconded by Senator Bates, offers the following written motion to amend.

**F L O O R   A M E N D M E N T**

TO

2004 -- S 2110 SUBSTITUTE A, AS AMENDED

AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- SMALL CLAIMS AND CONSUMER  
CLAIMS

Mr. President:

I hereby move to amend 2004 -- S 2110 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- SMALL CLAIMS AND CONSUMER CLAIMS", as follows:

By deleting all the language following the enactment clause and inserting in place thereof the following:

"SECTION 1. Sections 10-16-1, 10-16-4 and 10-16-5 of the General Laws in Chapter 10-16 entitled "Small Claims and Consumer Claims" are hereby amended to read as follows:

**10-16-1. Actions subject to chapter.** -- In all ex contract civil actions and in any action to recover the amount of any tax for money only not in excess of ~~one~~ two thousand five hundred dollars (~~\$1,500~~) (\$2,500) exclusive of interest and costs, and in all actions or suits to recover damages resulting from a retail sale of tangible personal property to a member of the general public or from services rendered to a member of the general public in which the plaintiff seeks to recover an amount of money only not in excess of ~~one~~ two thousand five hundred dollars (~~\$1,500~~) (\$2,500) exclusive of interest and costs, and in all actions or suits based upon a negotiable instrument involving an amount of money only not in excess of ~~one~~ two thousand five hundred dollars (~~\$1,500~~) (\$2,500) exclusive of interest and costs, the procedure shall, at the plaintiff's election, shown by his or her waiver of appeal, be as provided by this chapter.

**10-16-4. Filing fee -- Waiver of appeal.** -- (a) The plaintiff shall pay into the court an entry fee of ~~ten~~ thirty dollars (~~\$10.00~~) (\$30.00), of which ~~five~~ ten dollars (~~\$5.00~~) (\$10.00) shall be deposited into the "small claims mediation fund" established pursuant to the provisions of chapter 29.1 of title 9, ten dollars (\$10.00) shall be placed in a "small claims mediation fund" together with an amount equal to the then prevailing postal rate, for mailing notices in the case, which shall be deemed the beginning of the action. The "small claims mediation fund" shall be established under the control of the state court director of finance; the chief judge of the district court shall be authorized to retain the services of qualified mediators and to direct payment for such services from the "small claims mediation fund."

(b) The plaintiff shall also file with his or her claim a written waiver of right of appeal.

**10-16-5. Rules of procedure.** -- (a) The judges of the district court shall make such orders and rules as

they deem necessary concerning the hearing and determination of small claims, including suitable forms of procedure in such cases.

(b) The chief judge of the district court shall be authorized to establish a system of mandatory mediation for all small claims actions other than actions relating to book accounts for a sum certain. The judges of the district court shall be authorized to make such rules as may be necessary for the establishment of said mandatory mediation system.

SECTION 2. Section 9-29-1 of the General Laws in Chapter 9-29 entitled "Fees" is hereby amended to read as follows:

**9-29-1. District court fees.** -- (a) Every district court shall be allowed the following fees in full, to be taxed in the bill of costs in every civil action:

- (1) For the entry of every small claim ..... ~~\$11.00~~ \$30.00
- (2) For the entry of every other action ..... \$60.00
- (3) For every writ of execution ..... \$10.00

(b) In addition to the fees set forth herein, a surcharge shall be placed on all filing fees.

SECTION 3. This act shall take effect upon passage."

Respectfully submitted,  
SENATOR MCCAFFREY

The motion to amend prevails upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act as amended, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**17. 2004-S 2229 SUB A**

**BY Perry**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

Upon suggestion of Senator Perry and without objection ordered to be placed on the Calendar for Wednesday, May 12, 2004.

**18. 2004-S 2855**

**BY Lenihan**

**ENTITLED,** AN ACT RELATING TO ELECTIONS -- RECOUNTS

Committee on Judiciary recommends passage.

Senator Lenihan moves passage, seconded by Senators Sheehan and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**19. 2004-S 2923**

**BY DaPonte**

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RENTAL VEHICLES -- INSURANCE

Committee on Judiciary recommends passage.

Senator DaPonte moves passage, seconded by Senators Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni.

NAYS- 0:

#### ANNOUNCEMENTS

Senator Walaska announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday May 12, 2004, at the rise of the Senate, in the SenateLounge of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Ciccone announces that the Committee on Labor will meet on Wednesday May 12, 2004, at 2:30 o'clock P.M., in Room 212 of the State House.

Senator Lenihan announces that the Committee on Oversight will meet on Wednesday May 12, 2004, at the rise of the Senate, in Room 313 of the State House.

#### DESK TO REMAIN OPEN

Upon suggestion of Senator DaPonte and without objection, the desk will remain open to receive Committee reports.

#### REPORTS OF COMMITTEES COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

**House Bill No. 8397**

**BY** Carter

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF FIRST FREE WILL BAPTIST CHURCH OF RHODE ISLAND.

Read and ordered to be placed on the Senate Consent Calendar

#### TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:46 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR JOSEPH M. POLISENA**

Almighty God, help us to so live, work, and legislate that all the citizens of our state may be equally free and aspire to have a high purpose in life. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR WEDNESDAY, MAY 12, 2004:**

**1 2004-S 3110**

**BY Cote**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF G. & S. REALTY AND RENTING CO., INC.

Ordered to be placed on the Consent Calendar

**2 2004-H 8397**

**BY Carter**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF FIRST FREE WILL BAPTIST CHURCH OF RHODE ISLAND

Committee on Finance recommends passage in concurrence.

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**

## Appendix

## CALENDAR

## IN ORDER FOR WEDNESDAY, MAY 12, 2004:

**1 2004-S 2229 SUB A****BY Perry****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**2 2004-S 2105 SUB A****BY Cote****ENTITLED, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS**

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**3 2004-S 2333 SUB A****BY Walaska****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CREDIT COUNSELORS**

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**4 2004-S 3057****BY Polisena****ENTITLED, AN ACT RELATING TO INSURANCE - COMMERCIAL SPECIAL RISKS**

Committee on Financial, Technology, Regulatory recommends passage.

**5 2004-S 2758 SUB A****BY McCaffrey****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES**

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A.

**6 2004-S 3047 as amended****BY Tassoni****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - -  
REGISTRATION OF VEHICLES

Committee on Constitutional & Gaming Issues recommends passage as amended.

**7 2004-H 7736 SUB B****BY Fox****ENTITLED,** JOINT RESOLUTION PROVIDING FOR A BI-PARTISAN  
PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON  
CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE  
BY THE QUALIFIED ELECTORS ON THE HOLDING OF A  
CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH  
ARTICLE XIV SECTION 2 OF THE RHODE ISLAND  
CONSTITUTION

Committee on Constitutional & Gaming Issues recommends indefinite postponement of  
the original bill and the Substitute A and passage of Substitute B.

**8 2004-S 2173 SUB A as amended****BY Montalbano J****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --  
CODE OF ETHICS

Committee on Government Oversight recommends indefinite postponement of the  
original bill and passage of Substitute A as amended.

**9 2004-S 2420 SUB A****BY Lenihan****ENTITLED,** AN ACT RELATING TO LOBBYING

Committee on Government Oversight recommends indefinite postponement of the  
original bill and passage of Substitute A.

**10 2004-S 2421****BY Lenihan****ENTITLED,** AN ACT RELATING TO THE CODE OF ETHICS

Committee on Government Oversight recommends passage.

**11 2004-S 3050 SUB A****BY Sheehan****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
- ECONOMIC DEVELOPMENT CORPORATION

Committee on Government Oversight recommends indefinite postponement of the  
original bill and passage of Substitute A.

**IN ORDER FOR THURSDAY, MAY 13, 2004:****1 2004-S 2299 SUB A****BY Blais****ENTITLED, AN ACT RELATING TO ADMINISTRATIVE PROCEDURES**

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**2 2004-S 2078 as amended****BY Revens****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING  
AND UPHOLSTERED FURNITURE**

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

**IN ORDER FOR TUESDAY, MAY 18, 2004:****1 2004-S 2308 as amended****BY Cote****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
LAND SURVEYORS**

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

**2 2004-S 2725 as amended****BY Ciccone****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - ABANDONED CARS**

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

**3 2004-S 2791****BY Goodwin****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --  
TOWING STORAGE ACT**

Committee on Commerce, Housing & Municipal Government recommends passage.

**4 2004-S 2497 SUB A**

**BY Roberts**

**ENTITLED, AN ACT RELATING TO EDUCATION**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**